

## DEPARTMENT OF STATE TELEGRAM

FIG. 9/69--

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ACTION EA-15

INFO OCT-01 PM-05 NSC-10 SS-20 RSC-01 H-02 AID-28 SR-01  
 ORM-03 CIAE-00 INR-07 NSAE-00 DODE-00 L-04 RSR-01  
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P 261258Z MAR 70  
 FM AMEMBASSY VIENTIANE  
 TO SECSTATE WASHDC PRIORITY 7651

S E C R E T SECTION 1, OF 2 VIENTIANE 2171

SUBJECT: SENATORIAL INQUIRY CIVILIAN VICTIMS  
 OF LAOS WAR

REF: A. STATE 038869  
 B. STATE 039834  
 C. VIENTIANE 2033

1. FOLLOWING MESSAGE COMMENTS ON QUESTIONS RAISED  
 IN PARAS FOUR, FIVE AND SEVEN REF A:

2. GENERALLY IT SHOULD BE UNDERSTOOD BY SENATOR  
 KENNEDY'S COMMITTEE THAT THE WAR IN LAOS IS VASTLY  
 DIFFERENT FROM VIETNAM AND THAT IT IS DANGEROUS TO  
 DRAW PARALLELS BETWEEN THEM EXCEPT FOR THE  
 OBVIOUS FACT THAT THE NORTH VIETNAMESE ARE HEAVILY  
 ENGAGED IN BOTH. NVN INVOLVEMENT IN LAOS IS  
 MOTIVATED BY A COMPLEX NUMBER OF FACTORS MOST  
 IMPORTANT OF WHICH IS UNDOUBTED NEED TO USE LAO  
 TERRITORY TO REINFORCE THEIR SUPPLY AND MILITARY  
 ACTIVITIES IN SOUTH VIETNAM.

3. NORTH VIETNAMESE INTERVENTIONS IN LAOS DATES BACK TO  
 THE EARLY 50'S. THE WAR HERE HAS CAUSED MUCH SUFFERING  
 AND COMPARATIVELY SERIOUS LOSS OF LIFE IN A COUNTRY  
 WHOSE TOTAL POPULATION IS LESS THAN THREE MILLION.

4. THE LAO ARMED FORCES HAVE NEVER HAD AVAILABLE TO

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THEM THE MILITARY CAPACITY AND FIRE POWER WHICH THE U.S.  
PRESENCE IN SOUTH VIETNAM HAS REPRESENTED. ALTHOUGH  
INDIVIDUAL ACTIONS INITIATED BY PATHET LAO CONTINUE TO  
OCCUR, PL ROLE IN WAR IN LAOS HAS STEADILY DIMINISHED.  
IN SOME AREAS PL AND FAR COMMANDERS HAVE UNDOUBTEDLY  
REACHED TACIT AND PERHAPS SOMETIMES EXPLICIT AGREEMENTS  
OF "LIVE AND LET LIVE."

5. THERE ARE CAREFULLY LIMITED FREE BOMB ZONES (FURTHER  
DESCRIBED PARA 11). HOWEVER, THERE ARE NO RPT NO FREE  
FIRE ZONES OR SEARCH AND DESTROY OPERATIONS LIKE THOSE  
IN SOUTH VIETNAM. RLG FORCES CONTINUE "SWEEP OPERATIONS"  
DESIGNED CLEAR ENEMY FROM CERTAIN AREAS. THESE ARE  
MODEST EFFORTS WITH LIMITED OBJECTIVES AND USUALLY  
RESULT IN FEW CASUALTIES ON EITHER SIDE AND NO RPT NO  
REFUGEES.

6. THE NVA/PL OF COURSE VALUE PRESENCE OF LAO CIVILIANS  
BOTH AS MANPOWER SOURCE AND AS HOPEFUL SHIELD TO ATTACK.  
IN SPIKE OF MOST CAREFUL PLANNING BY RLG, THERE NO DOUBT  
THAT ON OCCASIONS CIVILIANS ARE KILLED BY BOTH SIDES WHEN  
THEY ARE ENGAGED IN COMBAT IN AREAS WHERE CIVILIANS  
ARE LOCATED. FORTUNATELY, IN MOST CASES REFUGEES  
HAVE ANTICIPATED BATTLES AND HAVE MOVED OUT BEFORE  
THEY ACTUALLY OCCURRED. THIS MOST RECENTLY HAPPENED  
WHEN CIVILIANS LAST WEEK MOVED OUT OF SAM THONG AND  
LONG TIENG.

7. RLAF T-28'S, BY THEIR VERY NATURE, ARE USED ONLY  
AGAINST KNOWN OR PRESUMED ENEMY POSITIONS AND/OR IN  
SUPPORT OF ROYAL LAO FORCES IN COMBAT. THE DISPERSION  
OF RLAF T-28'S THROUGHOUT LAOS AND THE RELATIVELY  
LIMITED ORDNANCE THEY CAN CARRY MEAN THAT THEIR USE  
IS CAREFULLY HUSBANDED. THEY ARE NEVER COMMITTED TO  
"AREA" BOMBING BUT ONLY TO WHAT APPEAR TO BE LUCRATIVE  
ENEMY POSITIONS. MISTAKES ARE MADE WHEN PATHET LAO AND  
NORTH VIETNAMESE FORCIBLY DETAIN VILLAGERS IN AN AREA TO  
PROVIDE THEM A SHIELD AND LOGISTIC SUPPORT. RLAF STRIKES  
ARE NOT RPT NOT CONTROLLED BY AMERICANS.

8. ALL USAF AIRSTRIKES IN ALOS ARE CLOSELY CONTROLLED  
UNDER A PUBLISHED SET OF RULES OF ENGAGEMENT (ROE)

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WHICH STATE THAT EACH STRIKE MUST BE VALIDATED BY THE  
EMBASSY OR MADE WITHIN SPECIFIED TARGETS OF OPPORTUNITY  
STRIKE ZONES. THESE STIKES ZONES ARE AUTHORIZED BY  
THE EMBASSY ONLY AFTER IT HAS BEEN ESTABLISHED THAT  
NO RPT NO NON-COMBATANTS, NATIONAL SHRINES OR  
RELIGIOUS TEMPLES ARE WITHIN THE AREA. THE SINGLE  
OVERRIDING RULE IS THAT NO RPT NO VILLAGES MAY BE  
STRUCK. THE AMBASSADOR IS ULTIMATELY RESPONSIBLE  
FOR CONTROLLING AND MONITORING THESE ROE'S.

9. USAF AIRSTRIKES IN LAOS ARE DIVIDED INTO TWO  
CATEGORIES. ONE IS THE MASSIVE INTERDICTION  
EFFORT CARRIED ON IN LAO PANHANDLE AGAINST HO CHI  
MINH TRAIL. AT THEIR INCEPTION, THESE AIRSTRIKES DID  
PRODUCE REFUGEES BUT THE RUGGED MOUNTAINOUS AREA  
OF THE HO CHI MINH TRAIL (AND FOR THAT MATTER MUCH OF  
NORTH LAOS) HAS ALWAYS BEEN SPARSELY POPULATED. TO  
THE BEST OF OUR KNOWLEDGE THE NUMBER OF REFUGEES  
FROM THE TRAIL AREA ARE THOSE ENUMERATED IN REF C,  
PARA 2D (8, 9, 10 AND 11) AND TOTAL APPROXIMATELY 10,000  
PEOPLE.

10. B-52 STRIKE ZONES MUST BE CLEARED IN ADVANCE WITH  
THE AMBASSADOR AND HIS SPECIFIC APPROVAL MUST BE  
GRANTED BEFORE THEY ARE FLOWN. AUTHORITY IS  
WITHHELD, FOR EXAMPLE, IF THE AMBASSADOR HAS REASON  
TO BELIEVE THAT FRIENDLY POWS MIGHT BE LOCATED IN THE  
TARGET AREA, THAT VILLAGERS ARE IN THE TARGET AREA OR  
THAT FRIENDLY INTELLIGENCE TEAMS MAY BE OPERATING THERE.

11. IN NORTH LAOS AND THE AREA IN SOUTH LAOS WEST OF THE  
HO CHI MINH TRAIL, EACH USAF STRIKE IS CONTROLLED BY A  
USAF FAC WITH LAO BACKSEATER OR LAO GROUND OBSERVER  
WITH INTIMATE KNOWLEDGE OF THE TERRAIN, FRIENDLY AND  
ENEMY TROOP POSITIONS AND VILLAGE AND POPULATION  
LOCATIONS. THE ONLY EXCEPTION TO SUCH CONTROL, AND  
WHAT ARE IN EFFECT FREE BOMB ZONES, ARE CAREFULLY  
DESCRIBED IN ARMED RECCE AREAS ALONG ENEMY LOC'S  
AND IN "BOXES" IN MILITARY REGION TWO AND THE PDJ AREA  
WHERE INTELLIGENCE HAS SHOWN A CONCENTRATION OF  
ENEMY FORCES AND PHOTOGRAPHY SHOWS THE ABSENCE OF  
VILLAGES AND FRIENDLY FORCES.

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12. PARA FOUR B AND C. THE EXPOSITION ABOVE WOULD APPEAR TO BE RESPONSIVE TO THE QUESTION OF WHO IS RESPONSIBLE FOR IMPLEMENTING THESE CONCEPTS AND ACTIONS. IN EFFECT, THE RLG ITSELF CONTROLS USE OF ALL MILITARY ASSETS AT ITS DISPOSAL INCLUDING RLAF T-28S ALTHOUGH IT IS AMENABLE TO, BUT NOT ALWAYS CONVINCED BY, US. ADVICE. THE AMERICAN AMBASSADOR IN LAOS IS ULTIMATELY RESPONSIBLE FOR THE USE OF THE ONLY AMERICAN "COMBAT FORCES" IN USE HERE: U.S. AIRCRAFT WHICH BOMB ENEMY HELD TERRITORY IN LAOS AT THE REQUEST OF THE PRIME MINISTER. GP-3.  
GODLEY

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ACTION EA-15

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC PRIORITY 7652

S E C R E T SECTION 2 OF 2 VIENTIANE 2171

SUBJECT: SENATORIAL INQUIRY CIVILIAN VICTIMS  
OF LAOS WARREF: A. STATE 038869  
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13. PARA FOUR D. WARS HAVE HISTORICALLY CREATED REFUGEES AND CIVILIAN CASUALTIES. THE WAR IN LAOS IS NO DIFFERENT. IT IS ALMOST IMPOSSIBLE TO ASSOCIATE A CERTAIN NUMBER OF REFUGEES OR CASUALTIES AS HAVING BEEN CREATED BY THIS OR THAT TECHNIQUE OF BATTLE. STUDIES OF REFUGEES ATTITUDES UNDERTAKEN BY THE RLG AND USAID HAVE NOT SURPRISINGLY SHOWN THAT NO SINGLE REASON OPERATED TO CAUSE A LAO, OF WHATEVER ETHNIC BACKGROUND, TO LEAVE HIS PLACE OF HABITUAL RESIDENCE AND MOVE ELSEWHERE. MOST OF THE REASONS ARE DIRECTLY ATTRIBUTABLE TO THE WAR AND TO THE FACT THAT CERTAIN AREAS OF LAOS HAVE BEEN FOUGHT OVER SCORES OF TIMES AND HAVE CHANGED HANDS LITERALLY TWICE A YEAR SINCE 1964.

14. MOST LAO WISH TO GET TO A PLACE WHERE THEY CAN RAISE THEIR RICE WITH SOME ASSURANCE THAT THEY WILL BE ABLE TO HARVEST IT. THIS ASSURANCE CANNOT BE PROVIDED IN AREAS WHERE BATTLES ARE RAGING. IT CANNOT BE ASSURED WHEN RICE SUPPLIES ARE SUBJECT TO

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REQUISITIONING BY NORTH VIETNAMESE AND PL FORCES.  
IT CANNOT BE ASSURED WHEN THE LAO PEASANT HIMSELF  
IS SUBJECTED TO PERIODS OF FORCED LABOR BY NVA/PL.  
IT CANNOT BE ASSURED WHEN CIVILIANS ARE BEING SUBJECTED  
TO BOMBING OR SHELLING FROM EITHER SIDE. MOST LAO  
CIVILIANS LEARNED VERY QUICKLY THAT BOMBING  
NECESSARILY FOLLOWS THE NORTH VIETNAMESE. BUT THEY  
ALSO KNOW THAT LIFE UNDER THE NVN IS DIFFICULT INDEED.  
IT IS THEREFORE NOT SURPRISING THAT THE LAO MOVE TO  
GOVERNMENT AREAS TO AVOID THE VIETNAMESE.

15. IN ANSWERING PARA FIVE, TWO CATEGORIES OF PERSONNEL  
WILL BE CONSIDERED, FIRST, AMERICANS, SECONDLY, RLG  
FORCES. US MILITARY ACTIVITY IN LAOS IS LIMITED TO  
ADVISING RLG GROUND FORCES AND AIR ACTIVITIES AS  
PREVIOUSLY ANNOUNCED BY THE PRESIDENT. INSTRUCTIONS  
HAVE BEEN ISSUED TO AMERICAN PERSONNEL IN THEIR  
ADVISORY CAPACITY TO ATTEMPT TO INSURE THAT RLG FORCES EXERCISE  
EVERY PRECAUTION TO PROTECT THE CIVILIAN POPULATION.  
THE SAME IS TRUE OF AIR ACTIVITIES. THESE GUIDELINES  
ARE BEING FOLLOWED.

16. THE FAR GENERAL STAFF AND SENIOR MILITARY  
COMMANDERS GIVE ADVANCE CONSIDERATION TO THE EFFECT  
ON CIVILIANS WHEN PLANNING OPERATIONS. IN IMPLEMENTATION  
OF THIS CONCERN, FAR HAS ISSUED CAREFUL DIRECTIVES TO  
PROTECT CIVILIANS. THESE DIRECTIVES ARE GENERALLY  
FOLLOWED. NEVERTHELESS, AS IN ALL ARMIES THERE ARE  
SOME INSTANCES OF BAD CONDUCT BY RLG FORCES WHO,  
OCCASIONALLY EXPLOIT CIVILIANS TO SUPPLEMENT THE  
MEAGER PAY THE ARMY RECEIVES.

17. A FAR CIVIC ACTION PROGRAM EXISTS AND IS BEING  
INTENSIFIED BUT ITS EFFECTIVENESS VARIES FROM REGION  
TO REGION DEPENDING ON THE INTEREST SHOWN BY THE  
LOCAL COMMANDER. IN AREAS WHERE IT IS PURSUED  
SERIOUSLY, BENEFIT DOES DERIVE FROM MEDICAL TREATMENT  
AND OTHER ASSISTANCE PROVIDED BY FAR TEAMS.

18. PARA SEVEN A. WE BELIEVE THAT WASHINGTON IS  
PROBABLY IN AS GOOD A POSITION AS WE ARE HERE TO  
"ASSESS ATTITUDES AND CAPABILITIES OF THE RLG FOR THE

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CARE AND PROTECTION OF CIVILIAN POPULATION." THE  
RLG IS NOT MILITARY DICTATORSHIP NOR IS IT CRUEL GOVERNMENT  
DEDICATED TO SEARCHING OUT AND DESTROYING ELEMENTS  
WHO MIGHT BE REGARDED AS SUBVERSIVE. IN FACT, RLG  
UNITS IN OPERATIONS AGAINST THE ENEMY FREQUENTLY  
ASSIST CIVILIANS LONG UNDER ENEMY CONTROL TO RELOCATE  
PEACEFULLY IN RLG AREAS. THUS, WITHIN ITS MEANS, RLG  
HAS ALMOST CONSISTENTLY REACTED IN AN EXEMPLARY  
FASHION BOTH TO ITS RESPONSIBILITIES TOWARD REFUGEES  
UNDER ITS CARE AND TO THE CIVILIAN POPULATION THREATENED  
BY THE ENEMY.

19. RLG RESOURCES, OF COURSE, NO WHERE NEAR MATCH  
THE REQUIREMENT IN EITHER OF THESE DOMAINS. AS  
WASHINGTON KNOWS, IN SPITE OF THE  
DISTINGUISHED PERFORMANCE OF RLG AND PARTICULARLY  
SECRETARY OF STATE FOR SOCIAL WELFARE KEO VIPHAKONE  
IN THE RECENT MOVE OF REFUGEES FROM THE PDJ TO THE  
VIENTIANE PLAIN AREA, THE MOVE AND THE FEEDING OF  
THESE REFUGEES WAS ALMOST WHOLLY EXECUTED BY USAID.  
AS NOTED IN REF A, USAID FEEDS 204,000 REFUGEES AND  
MILITARY DEPENDENTS AT VERY SUBSTANTIAL COSTS TO THE  
USG.

20. THE PROBLEM OF TERRORISM IN LAOS HAS FORTUNATELY  
NEVER APPROACHED THE SITUATION IN SOUTH VIETNAM  
(VIENTIANE A-48 AND A-34). ALTHOUGH THERE ARE KIDNAPPINGS,  
KILLINGS OF LOCAL GOVERNMENT OFFICIALS AND AMBUSHES  
ALONG THE ROUTE STRUCTURE, THE LAO IN RURAL AREAS EVEN  
UNDER ONLY NOMINAL RLG CONTROL FEEL RELATIVELY SECURE  
AND HAVE REASON TO COUNT ON WHATEVER GOVERNMENT  
FORCES MAY BE IN THE AREA TO REACT TO TERRORIST RAIDS.

21. FREQUENTLY, HOWEVER, BECAUSE OF LAO MANPOWER  
SHORTAGES, BOTH CIVILIAN AND MILITARY, CONSIDERABLE  
AREAS UNDER RLG CONTROL ARE VULNERABLE TO HIT AND RUN  
ENEMY TERRORIST ATTACKS. POLICE CAPABILITIES,  
PARTICULARLY IN COMMUNICATIONS, HAVE STEADILY  
INCREASED OVER THE PAST FEW YEARS AS HAS THEIR  
COOPERATION WITH ROYAL LAO ARMY.

22. A RECENT EXAMPLE OF RAPID RESPONSE TO ENEMY



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ATTACK ON A FRIENDLY POPULATION CENTER OCCURRED  
WHEN NVA FORCES ATTACKED THE RELATIVELY HEAVY  
POPULATED AREA EAST OF PAKSANE AND WERE BEATEN  
BACK BY RLG FORCES WITH SUBSTANTIAL LOSSES. SUCH  
RESPONSES GO A GREAT DISTANCE TO REINFORCE THE TRUST  
OF THE LAO PEOPLE IN THE GOVERNMENT'S ABILITY TO  
PROTECT THEM FROM THE ENEMY. GP-3.  
GODLEY

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